

Remarks

Claims 1 to 20 are pending. Claims 1 to 9 are rejected. Claims 10-16 are allowed. Claims 17 to 20 have been withdrawn from consideration. Claims 1 to 7 are hereby canceled. Claim 8 is hereby amended.

Claims 1-3 are rejected under 35 U.S.C. 102 (a) as being anticipated by US 4,814,794 to Sato (referred to hereinafter as "Sato").

The Office Action states in part:

Re claims 1-3, Sato discloses (for instance in Figure 6), a spray device including a fluid reservoir system including a pump (cleaning liquid bag 40 and inline pump 55), a nozzle assembly (tip of injector 27) connected to the reservoir system by a cover tube (body of injector 27), and an absorbent (50) to collect waste liquid (see also col. 4, lines 17-22 & 36-43).

It is noted that the recitation "for cleaning at least one optical surface" has not been given significant patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded significant patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67,190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Thus, recitation on Sato reads on applicant's claimed invention.

Applicants have cancelled claims 1-7, making this rejection moot.

Accordingly, Applicant(s) submit that the rejection of claims 1-3 under 35 U.S.C. § 102 should be withdrawn.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,733,428 to Malinge et al (hereinafter "Malinge") in view of Sato (previously cited).

The Office Action states in part

Re claims 1-2, Malinge discloses a device for spray-cleaning optical surfaces comprising a nozzle assembly (nozzle part 8, Figures 1-2) in combination with a fluid reservoir and pump (construed as a syringe, col. 3, line 5) connected to the nozzle assembly.

Re claims 3-4, Malinge further discloses the nozzle assembly having a cover tube (sleeve 18) coupling the nozzle assembly to the syringe (not shown); and a delivery

tube (sleeve 17) inside the cover tube for fluid delivery to the nozzle (see Figures 1-2 and col. 3, lines 12-22).

Re claims 5-7, Malinge further discloses the nozzle assembly having a shroud (jacket 9/21) overlapping the cover tube and containing the nozzle assembly (see Figures 1-2; col. 2, lines 39-42; and col. 3, lines 24-27); the shroud having a contact seal (neck 24 covering the male tip 22, col. 3, lines 24-27); and the nozzle having a circular orifice (part 8 being a "cylinder", which is construed as circular, see col. 2, line 36).

Re claims 8-9, Malinge further discloses the nozzle assembly including a return channel to remove waste fluid (evacuation orifice 7 to remove the waste fluids, see col. 2, lines 30-35 & col. 2, line 67 -col. 3, line 3).

Although Malinge discloses evacuating the cleaning fluid after the optical surface is cleaned, Malinge does not expressly disclose using an absorbent to collect the waste cleaning fluid.

Sato discloses supplying cleaning liquid to a spray device via a fluid reservoir and pump combination (see previous rejection above) and using an absorbent to collect the waste fluid for easier handling and disposal (see for instance, col. 2, lines 25-26 & col. 4, lines 51-52). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the spray device of Malinge with fluid collecting absorbent, as disclosed by Sato, for the purpose of improving waste cleaning fluid handling and minimizing potential messy clean-up.

Applicants have cancelled claims 1-7, making the rejection of those claims moot.

Applicants have amended claim 8 to convert it to an independent claim. Applicants have further amended claim 8 to clarify that the absorbent is mounted adjacent to an outer wall of at least a portion of the cover tube. This clarifying amendment does not change the meaning of the claim, and therefore is not a narrowing amendment.

Applicants respectfully submit that the references cannot support a case of *prima facie* obviousness as to claims 8 and 9 because, among other possible reasons, the cited references do not provide a motivation or suggest for, nor do they disclose, an absorbent mounted adjacent to an outer wall of at least a portion of a cover tube.

For these reasons, Applicant(s) submit that the cited references will not support a 103(a) rejection of claims 8 and 9 and request that the rejection be withdrawn.

In addition to the foregoing arguments, Applicant(s) submit that a dependent claim should be considered allowable when its parent claim is allowed. *In re McCairn*, 1012 USPQ 411 (CCPA 1954). Accordingly, provided the independent claims are allowed, all claims depending therefrom should also be allowed.

Based on the foregoing, it is submitted that the application is in condition for allowance. Withdrawal of the rejections under 35 U.S.C. 102 and 103 is requested. Examination and reconsideration of the claims are requested. Allowance of the claims at an early date is solicited.

Interview Summary

Applicants and their attorney thank the Examiner for the telephone interview granted on July 22, 2004 during which Examiner Perrin and Applicants' attorney, Melanie Gover, discussed the basis of the Examiner's rejections of claims 1 and 8.

The Examiner is invited to contact Applicants' attorney if the Examiner believes any remaining questions or issued could be resolved.

Respectfully submitted,

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Date

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